

09-27-01

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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No: 27373/36638A



**CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

**Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231**

Sir:

This is a request under 37 CFR 1.53 for filing a

- ☒ continuation application.  
☐ divisional application.

**1. Particulars of Prior Application**

Application Serial No: 09/629,021  
Filed on: July 31, 2000  
Title: TREATMENT OF TUMORS WITH GENETICALLY  
ENGINEERED HERPES VIRUS  
Art Unit: 1632  
Examiner: P. Brunovskis  
Prior Docket No.: 27373/36638

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Continuing Application Transmittal Under 37 CFR 1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **September 26, 2001**, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EL564463605US.

  
Richard Zimmermann

2. This request is filed by:

1. Full Name of Inventor	Family Name Weichselbaum	First Given Name Ralph	Second Given Name
Residence & Citizenship	City Chicago	State or Foreign Country Illinois	Country of Citizenship United States of America
Post Office Address	Post Office Address 1909 North Building	City Chicago	State & Zip Code/Country Illinois, 60614 United States of America
2. Full Name of Inventor	Family Name Roizman	First Given Name Bernard	Second Given Name
Residence & Citizenship	City Chicago	State or Foreign Country Illinois	Country of Citizenship United States of America
Post Office Address	Post Office Address 5555 South Everett	City Chicago	State & Zip Code/Country Illinois, 60637 United States of America
3. Full Name of Inventor	Family Name Whitley	First Given Name Richard	Second Given Name J.
Residence & Citizenship	City Birmingham	State or Foreign Country Alabama	Country of Citizenship United States of America
Post Office Address	Post Office Address 216 Shadescrest Circle	City Birmingham	State & Zip Code/Country Alabama, 35216 United States of America

- ☐ This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

3. **Amendments**

- ☒ Amend the specification by inserting before the first line the sentence:  
--This is a **Continuation** of U.S. application Serial No. 09/629,021, filed July 31, 2000.--
- ☐ Cancel claims \_\_\_\_\_ in the prior application before calculating the filing fee.
- ☐ A Preliminary Amendment is enclosed.
- ☒ The filing fee is based upon entry of the foregoing amendment(s) (if any).

4. **Copy of Prior Application**

The enclosed is a copy of the prior complete application, including the specification (with claims), drawings, the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application.

5. **Incorporation By Reference**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. **Priority**

- ☐ Priority of application No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC 119.
- ☐ The certified copy(ies) was(were) filed in prior U.S. application Serial No. \_\_\_\_\_.
- ☐ The certified copy(ies) has(have) not been filed.

7. **Assignment**

- ☒ The prior application is assigned of record to Arch Development Corporation and UAB Research Foundation, and has been recorded at Reel No. 010884, Frame No. 0242.

8. **Small Entity Status**

- ☒ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ A small entity statement is(are) attached.

9. **Application to Be Published**

- ☐ Yes.
- ☐ No. A Request and Certification Under 35 U.S.C. §122(b)(2)(B)(i) is attached.

10. Fee Calculation

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$355.00		\$710.00
TOTAL	9 -20	= 0	X 9 =	\$0.00	X 18 =	\$
INDEP.	1 - 3	= 0	X 40 =	\$0.00	X 80 =	\$
<input checked="" type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 135 =	\$135.00	+ 270 =	\$
Filing Fee:				\$490.00	OR	\$

11. Method of Payment of Fees

- ☒ Attached is a check in the amount of: \$490.00
- ☐ Charge Deposit Account No. 13-2855 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.

12. Deposit Account and Refund Authorization

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

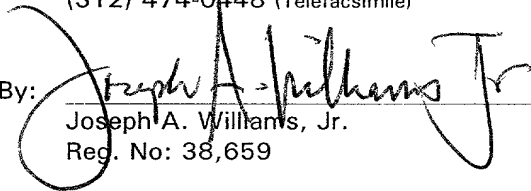
Please refund any overpayment to Marshall, Gerstein & Borun at the address below.

13. Correspondence Address

Customer No.: 04743

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402  
(312) 474-6300  
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By:   
Joseph A. Williams, Jr.  
Reg. No: 38,659

September 26, 2001